

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50723 of 2023

Arising Out of PS. Case No.-759 Year-2022 Thana- KOTWALI District- Patna

Vikki Kumar Son Of Chandradeep Singh @ Chandradeep Kumar Resident Of
Village Adalatganj, Ps- Kotwali, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
26.11.2022 in connection with Kotwali P.S. Case No. 759 of
2022 corresponding to Special (NDPS) Case No. 20/2023
registered on 25.11.2022 for the alleged offences under
Section 414/34 of the Indian Penal Code and Sections 8(c)
and 21(a) of the NDPS Act.

3. Recovery is of 2.45 Gm of Smack (Brown Sugar)
and one stolen Laptop from possession of the petitioner.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that from a bare perusal of the



FIR as well as the seizure list that one Laptop and 2.45 Gm of Smack (Brown Sugar) has been recovered from possession of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of Section 50 of the N.D.P.S. Act and the recovered contraband is less than the commercial quantity so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and the co-accused person, namely, Ritik Kumar, from his possession 2.40 Gm of Smack (Brown Sugar) and one stolen Laptop has been recovered, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 23.05.2023 passed in Cr. Misc. No. 25734 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 26.11.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the recovery has been made from possession of the petitioner and F.S.L. report suggests that the recovered contraband is Morphin and apart from the aforesaid, the petitioner carries two more cases other than the present one, but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.



6. Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-IV, Patna in connection with Kotwali P.S. Case No. 759 of 2022 corresponding to Special (NDPS) Case No. 20/2023, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned



order shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

